

that the amount of such fee will unduly or unjustifiably discourage applications of a particular type or applications for particular categories of transactions.

(ii) In the event the Office develops a new type of application, and thus has no historical basis on which to establish an application fee, the Director may establish such fee based on a comparison with fees charged for processing similar types of applications or applications involving analysis of similar information, policies, and legal issues.

(c) The fees determined pursuant to paragraph (b) of this section will be published as set forth in § 502.6 of this part at least thirty days before such fees are effective, except that in 1990, such fees shall be effective ten days after publication in the Thrift Bulletin as set forth in § 502.6 of this part.

(d) The Director shall also charge fees to recover the Office's costs of processing filings with the Office made pursuant to 12 CFR parts 563b, 563d, and 563g. These fees will be published as set forth in § 502.6 of this part at least thirty days before such fees are effective, except that in 1990, such fees shall be effective ten days after publication in the Thrift Bulletin as set forth in § 502.6 of this part.

(e) In the event that the Office cannot complete its review of an application because it is found to be materially deficient and the Office accordingly refuses to accept the application for processing, the applicant must pay a new application fee at the time of filing any revised application.

(f) All application fees must be paid at the time of filing by check payable to the Office of Thrift Supervision. No part of a filing fee is refundable.

(g) When a transaction involves the filing of a number of different applications, the appropriate filing fees must be paid for each type of application filed, except as otherwise specifically provided in the Thrift Bulletin published pursuant to § 502.6 of this part.

(h) Each submission must be accompanied by a statement of the amount of the fee for each application and filing submitted and how the fee was calculated.

#### **§ 502.4 Collection of fees and assessments.**

(a) *Debit at Federal Home Loan Banks.* Each institution that is subject to fees and assessments under §§ 502.1 and 502.2 of this part and a member of a Federal Home Loan Bank, shall establish at its Federal Home Loan Bank a demand deposit account for the purpose of paying such fees and assessments. Each institution shall maintain funds in such account in sufficient amount to pay its obligations to the Office. Each Federal Home Loan Bank shall debit such account directly to effectuate payment of assessments and fees to the Office. The Director shall mail a payment notice to each such institution at least seven days prior to the date that any such account is to be debited to pay the member institution's obligations to the Office, which notice shall specify the date on which the debit is to occur. The Director shall also notify each Federal Home Loan Bank that such accounts are to be debited.

(b) *Direct billing of institutions.* As an alternative to the payment mechanism described in paragraph (a) of this section, the Director may collect assessments and fees by sending notice and demand for direct payment thereof to an assessed institution. In such case, the institution shall pay the assessment or fee not later than the date specified in the notice which shall be at least seven days after the date of such notice. This payment procedure shall be used to collect assessments and fees from assessed institutions that are not members of a Federal Home Loan Bank or are affiliates that are not savings associations.

(c) *Failure to Pay.* If any holding company, affiliate, or subsidiary of a savings association fails to pay any fee before the end of the 60-day period beginning on the date such fee is imposed, following the end of the 60-day period, the Director may assess such fee, including interest, against and collect it from such savings association. If any such entity is a holding company, subsidiary, or affiliate of more than one savings association, the fee may be levied against each such savings association in such proportion as the Director may prescribe.

## § 502.5

(d) In the case of any savings association for which the Office has determined to appoint the Resolution Trust Corporation as conservator or receiver, the Office may obtain payment from such savings association for fees or assessments due and outstanding under § 502.1, 502.2 or 502.3 of this part by debiting its account at its local Federal Home Loan Bank or by direct billing pursuant to paragraph (b) of this section.

## § 502.5 Interest.

For all institutions, overdue examination fees and asset-based assessments shall bear interest. Such interest shall be calculated at a rate (to be determined quarterly) equal to 150 percent of the average of the bond-equivalent rates of 13-week Treasury bills auctioned during the preceding calendar quarter. Asset-based assessment payments shall be considered delinquent if received after the time for payment specified in § 502.1 of this part as updated by the most recent applicable Thrift Bulletin issues pursuant to § 502.6 of this part. Examination and investigation fees will be considered delinquent if not received within 30 days of the invoice date.

## § 502.6 Notice of fees.

(a) A Thrift Bulletin shall be published in the last quarter of each year setting forth all fees to be charged by the Office for the next calendar year. Thrift Bulletins, providing updated fee schedules, in the Director's discretion, may be published from time to time throughout the year as necessary. Such Thrift Bulletins may set forth application fees to be charged by the Office for new types of applications developed by the Office in the period between publication of the annual Thrift Bulletins setting forth the fee schedule for the ensuing year.

(b) Notwithstanding paragraph (a) of this section, fees to cover the costs of processing applications received by this Office beginning ten days following the publication of the first Thrift Bulletin in 1990 pursuant to paragraph (a) of this section shall be payable immediately.

## 12 CFR Ch. V (1–1–97 Edition)

## § 502.7 Other charges.

The Director, or his or her designee, may impose additional charges to cover the cost of providing various services, including, but not necessarily limited to, publications, seminars, certifications for official copies of agency documents and records and services performed at the request of other agencies.

## PART 503—PRIVACY ACT

Sec.

503.1 Scope and procedures.

503.2 Exemptions of records containing investigatory material compiled for law enforcement purposes.

AUTHORITY: 5 U.S.C. 552a; 12 U.S.C. 1462a, 1463, 1464.

CROSS REFERENCE: See 31 CFR part 1, subpart C.

## § 503.1 Scope and procedures.

(a) *In general.* The Privacy Act regulations of the Department of the Treasury, 31 CFR part 1, subpart C, apply to the Office as a component part of the Department of the Treasury. This part 503 sets forth, for the Office, specific notification and access procedures with respect to particular systems of records, and identifies the officials designated to make the initial determinations with respect to notification and access to records and accountings of disclosures of records. This part 503 also sets forth the specific procedures for requesting amendment of records and identifies the officials designated to make the initial and appellate determinations with respect to requests for amendment of records. It identifies the officials designated to grant extensions of time on appeal, the officials with whom "Statements of Disagreement" may be filed, the official designated to receive service of process and the addresses for delivery of requests, appeals, and service of process. In addition, it references the notice of systems of records and notices of the routine uses of the information in the system required by 5 U.S.C. 552a(e) (4) and (11) and published annually by the Office of the Federal Register in "Privacy Act Issuances."

(b) *Requests for notification and access to records and accountings of disclosures.*